

### **REMARKS/ARGUMENTS**

Prior to entry of this Amendment, the application included claims 1-19. No claims have been amended, canceled, or added. Hence, after entry of this Amendment, claims 1-19 stand pending for examination.

Claims 1, 2, 11 and 12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the cited portions of U.S. Patent Publication No. 2005/0114364 to Tebbs et al. (“Tebbs”).

Claims 3-10 and 13-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tebbs in view of the cited portions of U.S. Patent Publication No. 2004/0083226 to Eaton (“Eaton”).

#### **Rejections Under 35 U.S.C. § 102(e)**

The Applicants respectfully traverse the claim rejections under 35 U.S.C. § 102(e) since the cited reference does not teach or suggest all of the claim elements, either expressly or inherently, as required for a proper rejection under 35 U.S.C. § 102(e). Specifically, for example, claim 1 recites, in part, “using a plurality of primary source records to construct the family tree based on the request, wherein the records indicate multiple alternatives for at least one person of the family tree, and wherein the records comprise correlated records having been subjected to one of an individual correlation process and a relationship correlation process to thereby determine a likelihood that two or more of the records represent the at least one person.” Tebbs does not teach this. At the locations cited by the Office Action for this teaching, Tebbs appears to teach a rating system for genealogical data elements. The data elements relate to an “individual,” and an aggregation of the data elements flows up as a rating of the individual. This is different from having “multiple alternatives for at least one person” and correlating records to determine the likelihood that two or more records represent the same person. Hence, claim 1 is believed to be allowable, at least for this reason.

Claim 11 includes similar elements and is believed to be allowable, at least for the same reasons. The remaining claims depend from one of the independent claims discussed above and are believed to be allowable, at least for the reasons stated above. Moreover, the dependent claims add elements that are believed to further distinguish the claimed invention over the cited references. For example, the cited references do not teach or suggest providing the user an opportunity to select from among the alternatives (claims 3 and 13), using the selection to provide an alternative to another user (claims 5 and 15), and notifying the user of the new alternatives (claims 7 and 17). Hence, these claims are believed to be allowable, at least for theses additional reasons.

## **Conclusion**

In view of the foregoing, the Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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